

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACK DANIELS,

Plaintiff, No. CIV S-04-0382 LKK CMK P

vs.

EMANUEL LATIMORE, et al.,

Defendants. ORDER

Plaintiff, a former state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 17, 2007, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1 1. The findings and recommendations filed April 17, 2007, are adopted in full;
2 2. Defendant Latimore's November 3, 2007 motion for summary judgment
3 (doc. 23) is granted; and
4 3. Plaintiff's civil rights action is dismissed with prejudice.

5 DATED: July 5, 2007.

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7 LAWRENCE K. KARLTON
8 SENIOR JUDGE
9 UNITED STATES DISTRICT COURT
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